

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Acting Chairman;
Tony Hammond, Vice Chairman;
Mark Acton;
Ruth Y. Goldway; and
Nanci E. Langley

Competitive Product Prices
Priority Mail Contract 42 (MC2012-47)
Negotiated Service Agreement

Docket No. CP2012-57

ORDER GRANTING SECOND MOTION FOR TEMPORARY RELIEF

(Issued October 23, 2015)

The negotiated service agreement approved in this proceeding (Existing Agreement) is scheduled to expire on October 24, 2015.¹ The Postal Service has filed a second motion for temporary relief requesting an extension of the expiration date for fifteen additional days.²

The Postal Service states that it intends to file a successor agreement with the Commission today, October 23, 2015. Motion at 1. The Postal Service further states

¹ See Order No. 1475, Order Adding Priority Mail Contract 42 to the Competitive Product List, September 24, 2012, at 4 (noting that the Existing Agreement was to expire 3 years after the date the Commission issued all necessary approvals); see *also* Order No. 2718, Order Granting Motion for Temporary Relief, September 17, 2015, at 2 (extending the expiration date of the Existing Agreement to October 24, 2015).

² Motion of the United States Postal Service for Temporary Relief, October 22, 2015 (Motion).

that it received the signed successor agreement from the customer on October 3, 2015 and intended to file it with the Commission for approval shortly thereafter. *Id.* However, the successor contract unexpectedly required additional time for internal financial review. *Id.* The Postal Service reports that the need for additional time was not communicated to the appropriate Postal Service personnel in order to file a motion for timely relief within seven days prior to the contract's effective date due to an administrative oversight. *Id.* Nevertheless, the Postal Service requests that the Commission grant temporary relief in this instance to avoid any interruption in the customer's access to negotiated rates. *Id.*

The request for temporary relief filed in this docket is not unique. Indeed, it is part of a growing pattern. In Order No. 2753, issued October 15, 2015, the Commission reiterated its expectation that "any future extensions 'should state with particularity the circumstances necessitating the additional extension.'"³

In this instance, the Postal Service has made a good faith effort to comply with the expectations set forth in Order No. 2753 by stating the circumstances around the current request with particularity. Further, the Postal Service has taken responsibility for the administrative oversight leading to its failure to file a timely motion for temporary relief. While the Commission expects that every effort be made to ensure that any such motions are filed timely, it also recognizes that in rare instances, oversights may occur. Given the interest in maintaining continuity for the Postal Service's customer, the lack of an identified harm to the public interest or other mailers, and the Commission's expectation that a successor agreement will be filed today, the Commission grants the Motion.

The Existing Agreement may continue through and will expire on November 8, 2015, unless terminated earlier pursuant to the terms of the agreement.

³ Docket No. CP2012-46, Order Granting Second Motion for Temporary Relief, October 15, 2015 (Order No. 2753) at 2 (*citing* Order No. 2660, Order Granting Motion for Temporary Relief in Part, August 12, 2015, at 2).

It is ordered:

1. The Motion of the United States Postal Service for Temporary Relief, filed October 15, 2015, is granted.
2. The Existing Agreement will remain on the Mail Classification Schedule through November 8, 2015, unless terminated earlier pursuant to the terms of the agreement.

By the Commission.

Ruth Ann Abrams
Acting Secretary